



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JJD
F.#2010R00014

*United States Attorney's Office
610 Federal Plaza
Central Islip, New York 11722-4454*

May 9, 2011

By Federal Express

Corporal Patrick McDevitt
Nassau County Correctional Center
100 Carman Avenue
East Meadow, New York 11554
Telephone No.: 516-572-3536

Warden William Zerillo
Queens Private Correctional Facility
182-22 150th Avenue
Jamaica, New York 11413-4009
Telephone No.: 718-553-5420

Re: United States v. Prado et al.
Criminal Docket No. 10-074 (S-3) (JFB)

Dear Corporal McDevitt and Warden Zerillo:

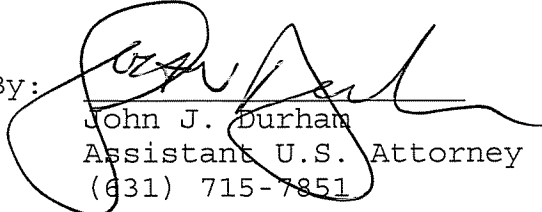
Please find enclosed herewith a supplemental, Rule 16 discovery letter, a copy of which is attached hereto as Exhibit 1, and eleven disks with additional discovery materials in connection with the above-referenced matter. As previously discussed, United States District Judge Joseph F. Bianco has directed the government to provide copies of all Rule 16 discovery materials in connection with this case to the Nassau County Correctional Center ("NCCC") and the Queens Private Correctional Facility ("QPCF") and to ensure that they are made available to the defendants listed on Exhibit 2, who are housed at the NCCC and QPCF. Further, the government is aware of the Nassau County Sheriff's Department's Guidelines regarding discovery materials, which are attached hereto as Exhibit 3 and incorporated by reference.

If you have any questions, please do not hesitate to contact me at the number below.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By:



John J. Durham
Assistant U.S. Attorney
(631) 715-7851

Exhibits 1-3

Enclosures (11 Disks)

cc: Clerk of the Court (JFB) (By ECF w/o enclosures)
All Counsel of Record (By ECF w/o enclosures)

EXHIBIT 1

(May 6, 2011 Discovery Letter)



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JJD
F.#2010R00014

*United States Attorney's Office
610 Federal Plaza
Central Islip, New York 11722-4454*

May 6, 2011

By ECF and Regular Mail

ATTACHED DISTRIBUTION LIST

Re: United States v. Prado et al.
Criminal Docket No. 10-074 (S-3) (JFB)

Dear Counsel:

Pursuant to our on-going discovery obligations under Rule 16, the government has sent the items listed below to First Choice Copy for duplication. The items were sent by Federal Express today and should be available for order early next week. If you would like to order copies of these disks, please contact Joseph Misner at First Choice Copy at (718) 381-1480.

Pursuant United States District Judge Joseph F. Bianco's prior order, the government will send a copy of this letter and one set of the attached materials to both the Nassau County Correctional Center and the Queens Private Correctional Facility.

Documents and Tangible Objects

1. A DVD with scanned copies of the following documents, several of which have been redacted: (a) Certificates of Death and Autopsy Reports for Santos Castillo-Martinez, Jairo Vasquez, Erick Avalos and Nestor Moreno; (b) Ballistics Reports relating to the Castillo-Martinez and Moreno murders, and the attempted murders of John Doe #16 and John Doe #17, as defined in the Third Superseding Indictment; (c) laboratory reports summarizing a comparison of David Valle's DNA to DNA recovered at the Vasquez murder scene; (d) laboratory reports summarizing a comparison of Yobany Calderon's DNA to DNA recovered at the Avalos murder scene; (e) photographs of the prison shank and sneakers, in which the shank was secreted, seized from Francisco Ramos; (f) additional MS-13 graffiti photographs; (g) a transcript of Giovanni

Prado's guilty plea in Nassau County Court; and (h) an October 13, 2010 Rule 16 letter relating to Wilber Ayala-Ardon (materials previously provided to counsel for Ayala-Ardon before he was added to this indictment) ("Disk-43").

2. Two DVDs with recordings from surveillance cameras at El Pacifico restaurant in Hempstead, New York from December 23, 2010 ("Disk-44A" and "Disk-44B").
3. Two DVDs with telephone records, including recorded telephone calls, from the Nassau County Correctional Center for Elenilson Ortiz, from February 22, 2010 to April 10, 2011 ("Disk-45A" and "Disk-45B").
4. During its case-in-chief, in order to establish that the MS-13 is engaged in acts and threats involving murder, as charged in the Third Superseding Indictment, the government intends to prove that MS-13 members committed the June 2003 murder of Jesus Valentin, and the September 2003 murder of Edgardo Sanchez. Enclosed are compact disks containing crime scene photographs, autopsy photographs and an autopsy report for the Valentin and Sanchez murders ("Disk-46" and "Disk-47," respectively).
5. Four DVDs containing video surveillance of MS-13 meetings that took place on September 13, 2004, September 26, 2004 and October 10, 2004 ("Disk-48," "Disk-49," "Disk-50," and "Disk-51," respectively).

The government is in possession of the following firearms that were seized from members of the MS-13, which the government intends to introduce during its case-in-chief: (a) a Lorcin 9mm semi-automatic handgun seized on or about September 17, 2003; (b) a .22 caliber revolver, .38 caliber revolver and .40 caliber semi-automatic handgun seized from MS-13 members on or about October 10, 2004; (c) a 12-gauge shotgun seized from MS-13 members in August 2008; and (d) a Browning .380 caliber handgun seized from MS-13 members in October 2008. Please contact the undersigned if you would like to examine the firearms and ammunition.

Expert Witnesses

Pursuant to a discovery letter dated February 19, 2010, the government informed the defendants that it intended to call an expert in firearms analysis and ballistics comparison to testify. The Group I Defendants are hereby informed that the government will call Detective Frank Miller from the Nassau County Police

Department during the trial scheduled to begin on June 13, 2011. Detective Miller will testify, in sum and substance, that bullets recovered in connection with the June 6, 2009 and July 1, 2009 shootings of John Doe #16 and John Doe #17, as defined in the Third Superseding Indictment, were fired from the same weapon. A summary of Detective Miller's qualifications will be provided under separate cover.

Absent stipulations, the government intends to call Deputy Medical Examiner Gwen Harleman, M.D. and Deputy Chief Medical Examiner Michael DeMartino, M.D., to testify regarding the autopsies performed on Valentin and Sanchez, respectively. With the exception of rendering opinions as to the causes of death and manners of death, the government anticipates that Dr. Harleman and Dr. DeMartino will testify as fact witnesses. Copies of Dr. Harleman and Dr. DeMartino's curriculum vitae, which sets forth their qualifications, will be provided under separate cover.

The government renews its request for reciprocal discovery.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By: 

John J. Durham
Assistant U.S. Attorney
(631) 715-7851

Attachments

cc: Clerk of the Court (JFB) (By ECF)

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EXHIBIT 2

(List of Defendants)

GIOVANNI PRADO
ERICK ALVARADO
ELENILSON ORTIZ
EFRAIN ZUNIGA
YONIS ACOSTA-YANES
DAVID VALLE
LOUIS RUIZ
FRANCISCO RAMOS
HERIBERTO MARTINEZ
VIDAL ESPINAL
ROGER ALVARADO
CARLOS MARTINEZ
JOSE GUSTAVO ORELLANA-TORRES
MARIO ALPHONSO HERRERA-UMANZOR
JIMMY SOSA
JEREMIAS EXEQUIEL AMAYA
WILBER AYALA-ARDON
FRANKLIN VILLATORO
YOBANY CALDERON
ADALBERTO ARIEL GUZMAN
RENE MENDEZ MEJIA

EXHIBIT 3

(NCCC Guidelines)

THOMAS R. SUOZZI
COUNTY EXECUTIVE



EDWARD REILLY
SHERIFF

SHERIFF'S DEPARTMENT
NASSAU COUNTY CORRECTIONAL CENTER
100 CARMAN AVENUE
EAST MEADOW, NY 11554

DISCOVERY MATERIALS via ELECTRONIC MEDIA GUIDELINES

The following procedures must be followed for the acceptance of discovery materials via electronic media by the Nassau County Sheriff's Department:

1. The materials submitted to the Correction Center must come directly from the inmate's criminal attorney of record to the Sheriff's Department/Correctional Center Inmate Law Library either via parcel or by hand delivery.
2. The materials must be accompanied by an original writing from the attorney setting forth in sufficient detail the type and quantity of the materials being submitted, and the attorney must affirmatively state that the review of such materials by the subject inmate is necessary to the pending criminal proceedings.
3. The attorney must affirmatively state that the materials are not covered by any attorney-client privilege and the materials are subject to inspection by security staff at any time.
4. The attorney must affirmatively acknowledge that the materials will be maintained by the Sheriff's Department/Correctional Center at all times and the subject inmate will be provided with opportunities to view such materials at times not unduly disruptive to the daily operations of the facility.
5. The attorney must provide for a means or method by which the Sheriff's Department/Correctional Center can return the materials at the completion of the review by the subject inmate at no cost to the facility.

06-23-05